

Amendment No. 1 to SB1873

Cooper
Signature of Sponsor

AMEND Senate Bill No. 1873*

House Bill No. 2071

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting Section 3 of the printed bill in its entirety and by substituting instead the following language:

SECTION 3. Tennessee Code Annotated, Section 55-10-406(e), is amended by designating the current language as subdivision (5) and by adding the following language as new, appropriately designated subdivisions:

(1) A health care provider providing medical care to a person in a health care facility shall notify, as soon as reasonably possible, any law enforcement officer present at the health care facility to investigate a collision when such provider:

(A) Has a reasonable belief that the person was in a vehicle involved in a collision; and

(B) Becomes aware, as a result of any blood or urine test performed in the course of medical treatment, that:

(i) The alcohol concentration in the person's blood meets or exceeds the amount specified in § 55-10-401; or

(ii) The person's blood or urine contains one (1) or more drugs that are capable of impairing a person's ability to operate a vehicle in a careful and prudent manner.

(2) If no law enforcement officer is present, the provider shall notify the municipal or county law enforcement department in the municipality or county where the collision occurred. If the provider is uncertain as to the location of the collision or has no knowledge of where the collision occurred, then the provider shall notify the department of safety.

The notice by the provider shall consist of the name of the person being treated, the blood alcohol concentration or drug content disclosed by the test, and the date and

time of the administration of the test. A law enforcement officer receiving such notice shall have reasonable grounds to believe that a violation of this part has occurred.

(3) A health care facility in good faith notifying law enforcement and reporting such information shall be immune from liability for those good faith actions.

(4) For the purposes of this subsection, unless the context otherwise requires:

(A) "Health care facility" includes any program, institution, place, building, or agency, or portion thereof, private or public, whether organized for profit or not, that is used, operated, or designed to provide medical diagnosis, treatment, or rehabilitative or preventative care to any person.

(B) "Health care provider" or "provider" means a person who is licensed, certified, or otherwise authorized or permitted by law to administer health care in the ordinary course of business or practice of a profession and includes, but is not limited to, those individuals listed in subsection (a)(1).